

REMARKS

Applicant amends claims 1 and 10 and adds claim 12 such that claims 1-12 are pending in this application. Applicant respectfully requests allowance of all the pending claims.

Claim Rejections – 35 U.S.C. §102

The Examiner rejects claims 1-11 under 35 U.S.C. §102(b) as 5,845,336 being anticipated by United States Patent No. 5,845,336 (“Golde”).

Amended independent claim 1 recites an article of clothing including outer and inner fabric layers. The outer fabric layer includes an outer opening, and the inner fabric layer includes an inner opening. The inner fabric layer is substantially waterproof and is coupled to the outer fabric layer. The outer fabric layer is substantially less waterproof than the inner fabric layer. A water-resistant closure is coupled to the inner fabric layer adjacent the inner opening and accessible through the outer opening.

Golde discloses a coat 16 including an outer shell 18 formed substantially of water-proof fabric material. Although not illustrated in the drawings, the coat 16 may include an insulating liner or liners (col. 5, lns. 59-62). In order to protect against abrasion and impacts, the coat 16 includes armor panels 36 at the elbows, shoulders, and back. With reference to Figs 3-5, the outer shell 18 includes ventilation openings 38, 40 that each includes an overlying flap 52, a zipper 58 on an intermediate gusset, and a perforate material 60 behind the intermediate gusset. The overlying flap 52 and the intermediate gusset are made from a waterproof fabric (col. 7, lns. 18-23).

Claim 1 has been amended to specify that the outer fabric layer is less waterproof than the inner fabric layer. This limitation is supported on page 4, lines 11-19 of the Application as well as originally-filed dependent claim 2.

As best understood by Applicant, it appears the Examiner is interpreting the overlying flap 52 as the claimed outer fabric layer, the intermediate gusset as the claimed inner fabric layer, and the zipper 58 as the claimed water resistant closure (Fig. 6). According to this interpretation, Golde does not teach or suggest an outer fabric layer that is substantially less waterproof than an inner fabric layer. Instead, Golde discloses that the overlying flap 52 (i.e., the outer layer) and the intermediate gusset (i.e., the inner layer) are both made from the same waterproof fabric (col. 7, lns. 18-23).

Therefore, Golde does not teach or suggest the subject matter defined by independent claim 1. Accordingly, independent claim 1 is allowable. Claims 2-9 depend from allowable independent claim 1 and are allowable for the same and other reasons.

For example, dependent claim 2 specifies that the outer fabric layer is not waterproof. Golde does not teach or suggest an outer fabric layer that is not waterproof. Instead, as stated above, Golde discloses that the overlying flap 52 (i.e., the outer layer) is made from a waterproof material (col. 7, lns. 18-23).

Amended independent claim 10 recites a method of making an article of clothing including providing an outer fabric layer defining an outer opening, providing a substantially waterproof inner fabric layer defining an inner opening, providing a water-resistant closure, coupling the water-resistant closure adjacent the inner opening, and coupling the waterproof inner fabric layer to the outer fabric layer to extend across the outer opening, and accessing the water-resistant closure through the outer opening. The outer fabric layer is substantially less waterproof than the inner fabric layer.

As best understood by Applicant, it appears the Examiner is interpreting the overlying flap 52 as the claimed outer fabric layer, the intermediate gusset as the claimed inner fabric layer, and the zipper 58 as the claimed water resistant closure (Fig. 6). According to this interpretation, Golde does not teach or suggest an outer fabric layer that is substantially less waterproof than an inner fabric layer. Instead, Golde discloses that the overlying flap 52 (i.e., the outer layer) and the intermediate gusset (i.e., the inner layer) are both made from the same waterproof fabric (col. 7, lns. 18-23).

Therefore, Golde does not teach or suggest the subject matter defined by independent claim 10. Accordingly, independent claim 10 is allowable. Claim 11 depends from allowable independent claim 10 and is allowable for the same and other reasons.

New independent claim 12 recites an article of clothing including outer and inner fabric layers. The outer fabric layer includes an outer opening, and the inner fabric layer includes an inner opening. The inner fabric layer is substantially waterproof and is coupled to the outer fabric layer. The inner fabric layer substantially completely lines the interior of the outer fabric. A water-resistant closure is coupled to the inner fabric layer adjacent the inner opening and accessible through the outer opening.

Claim 12 has been amended to specify that the inner fabric layer substantially completely lines the interior of the outer fabric layer. This limitation is supported on page 5, lines 14-20 of the Application.

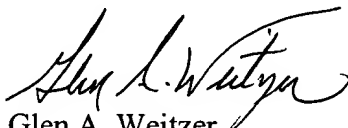
As best understood by Applicant, it appears the Examiner is interpreting the overlying flap 52 as the claimed outer fabric layer, the intermediate gusset as the claimed inner fabric layer, and the zipper 58 as the claimed water resistant closure (Fig. 6). Golde does not teach or suggest an inner fabric layer that substantially completely lines the interior of the outer fabric. Instead, Golde discloses an intermediate gusset (i.e., inner fabric layer) that only lines a small portion of the coat 16 close to the flap 52.

Golde discloses the possibility of using an insulating liner or liners (col. 5, lns. 59-62), however the insulating liner could not be interpreted as the inner fabric layer because Golde does not teach or suggest any openings in the liner or any water-resistant closure coupled to the liner adjacent to an inner opening and accessible through the outer opening.

The cited prior art, alone or in combination, does not teach or suggest the subject matter defined by new independent claim 12. Accordingly, independent claim 12 is allowable.

The Examiner is invited to contact the undersigned attorney should the Examiner determine that such action would facilitate the prosecution and allowance of the present application.

Respectfully submitted,



Glen A. Weitzer
Reg. No. 48,337

Docket No.: 43210-1420-00
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108

(414) 271-6560

T:\clienta\043210\1420\F0059641.1